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FACEBOOK, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FACEBOOK, INC.,

Plaintiff,

v.

POWER VENTURES, INC. a Cayman Island
Corporation; STEVE VACHANI, an
individual; DOE 1, d/b/a POWER.COM,
DOES 2-25, inclusive,

Defendants.

Case No. 5:08-cv-05780 JW

**ADMINISTRATIVE MOTION TO
FILE UNDER SEAL CERTAIN
PORTIONS OF FACEBOOK, INC.'S
MOTION TO COMPEL THE
PRODUCTION OF DOCUMENTS
AND DISCOVERY RESPONSES
FROM DEFENDANT POWER
VENTURES, INC. AND EXHIBITS 1-
3, 12-20, 24-29 IN SUPPORT
THEREOF**

Judge: Hon. James Ware
Courtroom: 8, 4th Floor

Pursuant to Local Rules 7-11 and 79-5(d), Plaintiff Facebook, Inc. submits this Administrative Motion to file under seal: 1) portions of Facebook's Motion to Compel the Production of Documents and Discovery Responses from Defendant Power Ventures, Inc.; 2) portions of the July 20, 2011 deposition transcript of Defendant Steve Vachani attached as **Exhibit 1** to the Declaration of Monte M.F. Cooper In Support the Production of Documents and Discovery Responses from Defendant Power Ventures, Inc; and 3) **Exhibit Nos. 3, 12-20, and 24-29** attached to the Declaration of Monte M.F. Cooper In Support the Production of Documents and Discovery Responses from Defendant Power Ventures Declaration

Defendants Power Ventures and Steve Vachani have designated portions of Steve Vachani's deposition transcript cited by Facebook's Motion as "Highly Confidential-Attorneys' Eyes Only" pursuant to the parties' February 4, 2011 Protective Order (Dkt. No. 95). Facebook disagrees with Defendants' confidentiality designations of these portions of the transcript. The following portions of Mr. Vachani's deposition transcript cited in Facebook's Motion have been designated as "Highly Confidential-Attorneys' eyes only" by Defendants:

- pp. 107:4-12; 222:13-19; 240:2-11; 271:21-272:5; 327:9-328:16; 330:1-331:14.

In addition, Defendants have designated the following Exhibits, attached to the Declaration of Monte M.F. Cooper, as "Highly Confidential-Attorneys' Eyes Only" pursuant to the parties' February 4, 2011 Protective Order (Dkt. No. 95):

- Exhibit No. 3, 12-20—These documents have been produced and designated as "Highly Confidential-Attorneys' eyes only" by Defendant Power.
- Exhibit Nos. 24-29—These documents have been produced by Third-Party Ed Niehaus. Mr. Niehaus has designated these documents as "Highly Confidential-Attorneys' eyes only" in accordance with the parties' Protective Order.

The Motion includes excerpts from the transcript designated as confidential by Power. Pursuant to Local Rule 79-5(d), Facebook is lodging with the Clerk a copy of the under seal documents and filing a redacted version of the Motion to Compel and Exhibit 1, so that public access to non-confidential materials will be provided.

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2 Dated: September 7, 2011

ORRICK, HERRINGTON & SUTCLIFFE LLP

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4 /s/ Monte M.F. Cooper

5 MONTE M.F. COOPER
6 Attorneys for Plaintiff
7 FACEBOOK, INC.
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